

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONERIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Harold Sanford Carter III #MR4401 :

Full Name of Plaintiff Inmate Number :

v. :

Rev. ULLI KLEMM :

Name of Defendant 1 :

Darrell wireman :

Name of Defendant 2 :

Jill spyker :

Name of Defendant 3 :

Name of Defendant 4 :

Name of Defendant 5 :

(Print the names of all defendants. If the names of all
defendants do not fit in this space, you may attach
additional pages. Do not include addresses in this
section).

Civil No. _____
(to be filled in by the Clerk's Office)

☐ Demand for Jury Trial☐ No Jury Trial DemandFILED
SCRANTON

OCT 19 2020

PER 
DEPUTY CLERK

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)☐ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)☐ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

Carter, Harold S III

Name (Last, First, MI)

MR4401

Inmate Number

SCI HUNTINGTON

Place of Confinement

1100 PIKE street

Address

HUNTINGTON, PENNSYLVANIA 16654-1112

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☒ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Klemm, Ulli

Name (Last, First)

Administrator for religion services

Current Job Title

1920 Technology Parkway

Current Work Address

MECHANICSBURG, PA. 17050

City, County, State, Zip Code

Defendant 2:

Wireman, Darrell

Name (Last, First)

Former Facility Chaplaincy Program Director

Current Job Title

1100 Pike Street

Current Work Address

Huntingdon, Pennsylvania 16654-1112

City, County, State, Zip Code

Defendant 3:

SPYKER, Jill

Name (Last, First)

Deputy Superintendent for centralized services

Current Job Title

1100 Pike Street

Current Work Address

Huntingdon, Pennsylvania 16654-1112

City, County, State, Zip Code

Defendant 4:

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

Defendant 5:

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

It started when I arrived at SCI Huntingdon. I
came to this institution on 02/02/2018

B. On what date did the events giving rise to your claim(s) occur?

(Please see attachment)

C. What are the facts underlying your claim(s)? (For example: What happened to you?
Who did what?)

(Please see attachment)

Statement of Facts

(complaint attachment)
1-1

1. my name is Harold Sanford Carter III. I am currently incarcerated at SCI Huntingdon. I have Practiced wicca for over 20 years. Since I came to SCI Huntingdon the defendants have Prohibited me from Participating in wiccan study groups. They also have limited my access to foundational wiccan texts. on 12/21/18 Defendants also prevented me from Participating in a Yule feast and denied my request for ginger tea. Additionally, Defendants refused to make it possible that I could order, purchase, and possess a small quartz crystal and a Thors Hammer (mjollnir). These two items are essential to my religious Practice.

2. I am an adherent of the wiccan religion, or wicca, which is a modern Pagan religion Practiced by roughly 1.5 million in the United States.

3. wiccans engage in Practices to become attuned with the Natural rhythm of life forces, based on the Phases of the moon.

4. I celebrate 8 sabbats. These sabbats correspond with the cycles of nature including solstices and equinoxes.

Statement of facts

complaint attachment
1-2

5. Yule, the wiccan winter solstice holiday starts on December 21, to celebrate the return of the waxing sun.

6. December 21 is when the winter solstice occurs. Therefore, it is not only the most important day of Yule, but one of the most important days of the calendar year for wiccans.

7. on the first day of Yule, wiccans have a feast. we have food and drink, including Pork, ginger tea, Pears and apples.

8. The food and drink are considered personifications of wiccan deity.

9. wiccans also use religious objects in their practice, including a small quartz crystal and a Thors Hammer (mjollnir)

10. we also use special herbs, including ginger. It has magical qualities.

11. In the wiccan faith we have various foundational texts, including, "Aradia, or the Gospel of the witches.

12. The oldest and most important teaching of wicca is to harm none. I live by this teaching. I observe the natural rhythm and tide of nature. wicca is a nature-based religion.

Statement of Facts
Complaint Attachment

1-3

13. Every morning I start the day with wiccan ritual and blessing.

14. By United States Postal mail I correspond with several high Priests and Priestesses.

15. SCI Huntingdon's rules and regulations require a chaplain or an outside volunteer to be present in order for a religious study group to meet.

16. There is no wiccan chaplain or wiccan outside volunteer at SCI Huntingdon.

17. I filed a religious accommodation request to have a study group for wiccans. On May 22, 2018 I was told that due to the lack of an outside volunteer and pursuant to SCI Huntingdon's rules and regulations, wiccans are not allowed to hold religious services or participate in wiccan study groups at SCI Huntingdon.

18. However, Buddhists, muslims, and Native Americans in SCI Huntingdon routinely conduct religious services and study groups without a chaplain or outside volunteer.

19. Therefore, SCI Huntingdon ignores its own policy related to religious study

Statement of Facts
Complaint attached front
1-4

groups by making exceptions for members of some religions.

20. The fact that Buddhists, muslims, and Native Americans are allowed to meet in study groups without an outside volunteer, and wiccans are not allowed, shows that the current policy is unequally applied. This practice disproportionately harms wiccans, other minority religions, most importantly my non-mainstream religion.

21. The Prisons Policy requiring an outside religious volunteer has no legitimate Penological Purpose. The Buddhists, muslims, and Native Americans meet and have their study groups very peacefully.

22. Before I came to SCI Huntingdon I was a prisoner at Pennsylvanias classification prison called camp Hill. while at camp Hill, (and still in the Department of corrections) I participated in wiccan study groups without the presence of an outside volunteer or chaplain.

23. ON May 24, 2018, I filed a grievance requesting wiccan study groups without an outside volunteer like members of other religious groups.

Complaint Attachment
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24. ON July 3, 2018 Jill spyker said in her initial grievance response that Buddhist and Native Americans were able to have study groups without an outside volunteer because they had previously had outside volunteers who had since left the facility. she also told me in writing that I was open to practice my faith in the Privacy of my cell.

25. The fact that Buddhists and Native Americans have continued to meet in study groups without an outside volunteer shows that the Policy requiring an outside religious volunteer has no legitimate Penological Purpose.

26. My practice of wicca has been hindered by defendants at SCI Huntington and mechanicsburg.

27. my grievance was denied at the final level ON september 28, 2018.

28. IN the final review response, the chief Grievance officer wrote, "at the discretion of the facilitys manager, and provided that direct supervision available, facilities may permit inmates communally view or listen to approved DVDs/CDS/videos with a frequency determined by staff".

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29. Despite my ability to participate in study groups, Defendants agreed to order resources so I could study on my own.

30. On March 30, 2018, I wrote to the Facility Chaplaincy Program Director Mr. Darrell Wireman about obtaining some foundational Wiccan text. After not hearing from him, I filed a grievance requesting sacred texts on April 26, 2018.

31. On May 29, 2018, Defendant Mr. Wireman wrote to me and told me he was working with the library on ordering the foundational Wiccan text, Aradia, or the Gospel of Witches.

32. Despite Mr. Wireman's commitment, Defendants have failed to order any foundational Wiccan texts or provide me with a copy of "Aradia, or the Gospel of the Witches."

33. I filed a grievance requesting Defendants order "Aradia, or the Gospel of Witches." I was denied at the final review on March 9, 2019.

34. SCI Huntington previously had some foundational Wiccan text in their institutional library. However, the texts have been taken out by other inmates, stolen, and are no longer available.

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35. sCI Huntington has locked cabinets for sacred texts of department recognized religions. sCI Huntington does not have a secured locked cabinet for wiccan foundational text.

36. I wrote to the institutional librarian on February 3, 2019 about requesting foundational wiccan texts, the librarian responded that they would order wiccan books during the next library order.

37. I still do not have access to any foundational wiccan texts at sCI Huntington, except for texts I bought with my 19¢ Per hour earnings.

38. IN January of 2019, myself, and Ark of Hope ministries donated five wiccan books to the sCI Huntington chaplaincy Dept. for the use of study for the wiccan community.

39. ON 12/10/19, Defendants gave all the books away to inmate Kopishke #N13-8169.

40. ON March 25, 2019, I filed a grievance requesting Primary wiccan text and asked that they be kept safe and secure.

41. ON June 6, 2019, my grievance was denied at the final review.

42. I have been substantially burdened in my Practice of Wicca, because I have been

denied access to wiccan foundational texts, including "Aradia, or the gospel of the witches. Defendants continue to hinder my access to the primary sacred text of wicca.

43 I observe Yule every year. It starts on December 21, the day of the winter solstice.

44. Because December 21 is the most important day of Yule and one of the most important days of the year for me, my wiccan religious practice requires that I have a feast on that day.

45 my sincere religious practice and observance of Yule requires that I have access to certain provisions, including ginger tea.

46. It is my religious belief that ginger tea has "physically, magical, and spiritual properties that... correspond to Yule."

47. ON August 13, 2018, I requested to observe Yule on December 21, 2018 with apples, pears, pork, and ginger tea.

48. ON December 3, 2018, Defendants denied me and my request to observe Yule on December 21.

49. IN the denial memo, Defendants denied my request for ginger tea and told me I could order NON-ginger tea from the commissary.

50. IN the denial memo, Defendants also wrote "the inmate may utilize one piece of fresh fruit, which he is able to take from mainline meals to his cell for consumption."

51. ON December 12, 2018 I filed a grievance, requesting to observe my Yule feast ON December 21, 2018 with apples, Pears, Pork, and ginger tea.

52. ON December 21, 2018, the most important day of Yule, Defendants did NOT offer me pork and allowed me to eat only one piece of fruit.

53. Because I could NOT access the appropriate foods or ginger tea, I was unable to participate in anything remotely resembling a Yule feast ON December 21, 2018.

54. During that same month, Jewish inmates participated in a religious feast during their Hanukkah and their specific religious foods were accommodated.

55. ON December 31, 2018, in response to the initial grievance I wrote. The corrections classification Program manager

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wrote, "you are Permitted to Practice your religion in the Privacy of your own cell utilizing Products Purchased from commissary and one Piece of fruit from the dining hall." The corrections classification Program Manager also wrote that the Jewish community was allowed to have a religious meal because they are a "formal community" with a "formal Rabbi."

56. My grievance was denied at the final review level on March 9, 2019.

57. I was substantially burdened in my Practice of Wicca, because I was forbidden from Participating in a Yule Feast on December 21, 2018. I was also denied religious foods and beverages, including ginger tea.

58. ON August 30, 2018 I made a religious accommodations request for a small quartz crystal.

59. ON February 7, 2019 my religious accommodation for the small quartz crystal was denied.

60. IN my religious belief a small quartz crystal is essential to my Wiccan Practice. The quartz crystal enables me to Properly

perform my chakra exercises. These exercises strengthen my aura in front of wiccan Gods.

61. Because I can't get my small quartz crystal, Defendants told me to use rocks from the prison yard.

62. Yard pebbles and rocks are an inadequate replacement because they lack the spiritual properties that are vital to my wiccan practice.

63. I have been substantially burdened in my practice of wicca, because I have been denied the ability to order, purchase, and possess a small quartz crystal.

64. ON January 22, 2020 I made a religious accommodations request for a Thors hammer Pendant (Mjollnir).

65. ON April 6, 2020 my religious accommodations request was denied.

66. IN my religious practice of wicca, the God Thor is my primary male deity that I work with. To capture the essence of this God. I must wear his symbol the Mjollnir around my neck.

67. Defendants deny my request for the Mjollnir Pendant on the basis that it

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is a security concern and that the mjollnir symbol is associated with security threat groups such as white supremacy and outlaw biker groups.

68. Defendants allow Jewish inmates the opportunity to buy, purchase, and possess a six point star of David. This particular pendant is available to all inmates in the Pennsylvania Department of corrections.

69. The six point star of David is a symbol associated with security threat groups such as Folk Nation and the crips within the Pennsylvania Department of corrections.

70. Defendants allow Jewish prisoners to have the six point star of David pendant.

71. I have been substantially burdened in my practice of wicca, because I have been denied a thors hammer pendant (mjollnir).

72. ON 4/19/2020 my wiccan church called, "The Rowan Tree" sent me two wiccan text books called, "The holy books of the Devas, and Painless astrology."

73. I am enrolled as a student of the Rowan Tree church to study to become

a Priest of the Lothlorien tradition of Wicca.

74. On 5/27/2020 the elders of the Rowan Tree church informed me that the Pennsylvania Department of Corrections rejected my text books.

75. I filed a grievance on this rejection on 6/7/2020.

76. Defendants did not notify me that these religious text books were rejected.

77. Defendants do not recognize the books stating that the religious books did not come from an original source.

78. The Rowan Tree church is a legal church with tax exempt status. The Rowan Tree church issues religious text through its own publishing house called, "The Hermits Grove."

79. I was denied my final review grievance on August 3, 2020 requesting text books from the Rowan Tree church.

80. I have been substantially burdened in my practice of Wicca, because Defendants did not notify me of rejected religious text books nor acknowledged a legal Wiccan church publishing house. In doing so, Defendants have hindered my Wiccan religious practice.

1 - 14

81. ON March 19, 2020 secretary of corrections Mr. John E. Wetzel ordered that, "Institutions that do not have a faith group leader for a particular religious tradition will broadcast available instructional videos."

82. ON 6/2/2020 SCI Huntingdon broadcasted muslim videos from an internet.org source.

83. ON JUNE 2, 2020 I wrote to SCI Huntingdon's acting Facility Chaplaincy Program Director Ms. Spijker and asked her in reference to the secretary of corrections order if she would broadcast Pagan/Wicca videos.

84. Ms. Spijker ignored my initial request, writing, I could request literature and should seek a faith group leader.

85. I filed a grievance ON JUNE 11, 2020 requesting Pagan/Wiccan broadcasted videos.

86. My request for Pagan/Wiccan religious videos was denied at the final review ON October 5, 2020.

87. I have been substantially burdened in my practice of Wicca, because Defendants refuse to entertain the state wide order of the secretary of corrections during the covid-19 Pandemic. Therefore, the solace provided by Mr. John E. Wetzel has been taken from me by defendants.

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

(Please see Attachment)

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

(Please see Attachment)

VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

(Please see Attachment)

Legal claims/causes of Action
Attachment
1-1

(count 2)

violation of the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc-1
(against Defendants Klemm, Wireman, Spyker and the current FCPD in their individual capacities)

1. Defendants have denied my ability to participate in a wiccan study group. Defendants have substantially burdened the practice of my wiccan religious beliefs.

2. By denying me access to foundational wiccan texts, including Aradia, or the gospel of the witches, Defendants have imposed a substantial burden on my practice and sincere wiccan religious beliefs.

3. By preventing me from participating in a yule feast on 12/21, with religious food and beverages, including ginger tea, Defendants have imposed a substantial burden on the practice of my wiccan religious beliefs.

4. By refusing to provide me with a small quartz crystal and a thors Hammer

Legal claims/causes of action

Attachment

1-2

(Mjollnir) Pendant, Defendants have imposed a substantial burden on the practice of my wiccan religious beliefs.

5. By Preventing my legal wiccan church from sending me course study religious textbooks, Defendants have imposed a substantial burden on the practice of my wiccan religious beliefs.

6. By impeding on an order set forth by the secretary of corrections, Defendants have imposed a substantial burden on the practice of my wiccan religious beliefs.

7. Defendants' requirement that wiccans (including myself) have to practice the wiccan religion in our cell, without access to religious services or study groups, is not the least restrictive means of furthering any compelling government interest.

Legal claims/causes of Action

Attachment

1-3

(count 2)

Deprivation of first Amendment Right to
free Exercise of Religion

(against all Defendants)

8. By preventing me from participating in a wiccan study group and accessing foundational wiccan texts, Defendants have restrained my right to free exercise of religion for no legitimate Penological Purpose.

9. By preventing me from participating in a Yule feast on 12/21, with religious foods and beverages including ginger tea, Defendants have inhibited my right to free exercise of religion for no legitimate Penological Purpose.

10. By refusing to provide me with a small quartz crystal and a Thors Hammer (mjollnir) Pendant, Defendants have hindered my right to free exercise of religion for no legitimate Penological Purpose.

11. By preventing religious wiccan textbook curriculum from my legal wiccan church,

Legal claims/causes of Action
Attachment
1-4

Defendants have inhibited my right to free exercise of religion for no legitimate Penological Purpose.

(count 3)

Violation of the Equal Protection clause of the Fourteenth Amendment

(against all Defendants)

12. By Prohibiting a wiccan study group without an outside volunteer, while permitting muslims, Buddhists, and Native Americans to have study groups without an outside volunteer, Defendants intentionally discriminated against me on the basis of my religion, in violation of the Equal Protection clause of the Fourteenth Amendment.

13. By forbidding me from having a Yule feast on 12/21/2018, while Jewish inmates were able to have religious feasts on one of their most sacred days, Defendants intentionally discriminated against me on the basis of my religion, in violation of the Equal Protection clause of the Fourteenth Amendment.

Legal claims/causes of action
Attachment
1-5

14. IN enacting, enforcing, and carrying out their Policy and Practice regarding study groups and religious feasts, Defendants are and have been motivated by an intent to discriminate against religious minorities and members of nonmainstream religious groups, including wiccans, and their Policy and Practice has led to wiccan individuals - but not other religious individuals - being forced to observe their religion by Themselves in their cell.

15. Defendants' Policies and Practices regarding wiccan study groups and the Yule feast do not serve a compelling governmental interest.

16. To the extent that Defendants' Policy and Practice regarding wiccan study groups and Yule feasts serve a compelling governmental interest, it is not narrowly tailored to further that interest.

Relief Demanded
Attachment
1-1

wherefore, I Harold Sanford Carter III respectfully request that the court grant the following relief:

A.) A declaratory judgment that Defendants violated my rights under RLUIPA, 42 U.S.C. § 2000cc-1, and the first and Fourteenth Amendments of the United States Constitution;

B.) AN injunction requiring Defendants to end their Policy and Practice which selectively Prohibits a wiccan study group from meeting without an outside volunteer, and allowing me to meet weekly with a wiccan study group without an outside volunteer.

C.) AN injunction requiring Defendants to order sacred wiccan texts, including but not limited to Aradia, or the gospel of the witches, and to keep them safe and secure.

D.) AN injunction requiring that Defendants make the Necessary Provisions, including ginger tea, available so that I can participate in a Yule feast on December 21 every year.

Relief Demanded
Attachment
1-2

E.) AN injunction requiring that Defendants provide me with the ability to order, purchase, and possess a small quartz crystal and a Thors Hammer (mjollnir) Pendant.

F.) AN injunction requiring Defendants to allow religious wiccan text books from the Rowan Tree church.

G.) AN injunction requiring Defendants to adhere to the directive of the secretary of corrections and play Pagan/Wiccan broadcasted videos at SCI Huntingdon.

H.) AN award of compensatory damages against all Defendants in an amount to be determined by the finder of fact;

I.) AN award of punitive damages against the individual Defendants in an amount to be determined by the finder of fact;

J.) Reasonable attorneys' fees and costs; and

K.) such other relief the court deems just and proper.

Respectfully submitted,

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.


Signature of Plaintiff

October 13, 2020
Date

HAROLD SANFORD CARTER III #111401

1100 PIKE STREET

HUNTINGDON, PA. 16654-1112

INMATE MAIL
PA DEPARTMENT
OF CORRECTIONS



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For the
Middle District of Pennsylvania
William J. Nealon Federal Bldg, & U.S. Courthouse
235 North Washington Avenue
P.O. Box 1148
Scranton, PA. 18501-1148

